

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON, DIVISION**

JANE AW DOW, §
PLAINTIFF, §
§
§
§
VS. § CASE NO. _____
§ Jury Demanded
MICHAEL SUTHERLAND AND §
FUNKY JUNKY, §
DEFENDANTS §
§

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Jane Doe AW files this her original petition complaining of the following Funky Junky, and Michael “Mike” Sutherland, (acting under the color of law) would respectfully show as follows:

PLAINTIFF’S ORIGINAL COMPLAINT TO THE HONORABLE JUDGE OF THIS COURT: NOW COMES Jane AW Doe Plaintiff, complaining of Defendants, Burleson County Judge, Mike Sutherland, and Funky Junky for cause would show the Honorable Court as follows:

Introductory Facts

1. On or about the day April 2017, Jane AW Doe was working as a Criminal Clerk at

Burleson County's County Attorney's Office located in Caldwell, Texas. She had worked there since beginning of 2017.

2. She loved her career and planned to remain employed as a County employee until retirement. She already had accumulated 3 years with Burleson County at the Tax office.

3. At this time, Mike Sutherland was a Burleson County judge.

4. He was notably known for holding the most powerful position in the entire county. He was revered by his constituents and colleagues.

5. Many people offered Sutherland their unwavering support because he was a very charismatic and intelligent judge.

6. Sutherland would visit the county attorney's office where Doe worked, greet everyone in the building, and flirt with the attractive women employees, including Doe.

7. Many times, Sutherland made some inappropriate comments and had become "touchy-feely."

8. Everyone was forced to ignore his sexual harassment.

9. Intimidated by his position and power, Doe never addressed Sutherland's behaviors.

10. On this particular day, in November 2017, Sutherland invited Doe to visit a restaurant that he maintains an ownership interest named Funky Junky.

11. Doe proudly accepted his invitation. She believed that Sutherland's invitation was to show appreciation on behalf of the county because she was recognized by one of her

superiors for her exceptional work ethic.

12. Sutherland instructed Doe to arrive at Funky Junky at 5:15 P.M.

13. As the owner of the establishment, Sutherland was aware that Funky Junky would be closed; whereas, Doe was unaware that the restaurant would be closed at this time.

14. Sutherland's intentions were clear: He intended to sexually assault her without any witnesses around in a vicinity familiar to him, but not to his intended victim, Ms. Doe.

15. Unaware of Sutherland's intentions, Doe arrived and Sutherland showed her around the restaurant.

16. Once she realized that she was misled by Sutherland, she attempted to leave. Sutherland aggressively grabbed Doe, groping her body and pulling her into the kitchen area.

17. She screamed to no avail.

18. Sutherland proceeded to sexually assault Doe. Specifically, Sutherland groped Doe's breasts and buttocks, lifted her dress, and removed her underwear.

19. He picked her up and placed her on the food prep table in the kitchen. Overpowered by his physical frame as well as his powerful political position, she unwillingly submitted to his sexual assault.

20. Sutherland opened her legs, thrust his face between her legs, and engaged in cunnilingus.

21. When Sutherland stopped for a brief moment, Doe attempted to hurriedly escape,

but then he grabbed her.

22. At this time, Sutherland pulled down his pants and told her to perform oral sex on him. She repulsively refused.

23. At that moment, he smugly smiled, forcefully grabbed her head, and violently jammed his penis in her mouth, bobbing her head up and down on his penis.

24. As Sutherland was sexually assaulting her, Doe was paralyzed with confusion and fear.

25. Many thoughts ran through her mind. She believed that if she would have resisted him in that moment, then he would have continued to hurt her.

26. Like most victims of sexual assault, she also feared that she would be doubted if she reported the assault because everyone praised him as the hometown hero and family man.

27. Moreover, if she would have reported Sutherland, she would face public humiliation and ridicule by the community, as well as risk losing her career that she worked hard to get and financial stability to support her own family through Sutherland's ability to retaliate against her because of his position in this small town.

28. By the end of these thoughts, she accepted her unfortunate fate: a sexual assault victim at the hands of Sutherland.

29. Eventually, Sutherland ejaculated.

30. When Sutherland was paralyzed with euphoria, Doe used this brief opportunity to

escape from her attacker.

31. She left Funky Junky with all intentions to put this behind her, save her career, and remain safe.

32. She only disclosed this incident to her husband and her close friend.

33. Doe experienced car mechanical issues.

34. When Sutherland became aware of her car troubles, he informed Doe about a county employees loan program.

35. Doe subsequently applied for a loan and was approved.

36. Thereafter, Sutherland credited himself for being able to obtain the financial means to fix her car and made her obligated to repay him for helping her in her time of need.

37. Sutherland's secretary was on vacation.

38. Sutherland called Doe to his office and told her to close the door.

39. He removed a bottle of Fireball, cinnamon whisky, from his small refrigerator and told her to have a drink.

40. She refused, he persisted until she accepted his offer because he was her superior and he kept insisting that she drink liquor.

41. Once she finished her drink, she attempted to leave out of his office and return to work.

42. However, Sutherland forcibly stripped her clothes off before she could even make

it to the door. Next, he once again compelled her to perform oral sex on him, and then he performed oral sex on her.

43. Afterwards, Sutherland picked her up, put her on the county's conference table in his office, and rubbed and groped her from head to toe.

44. He then forcefully penetrated his penis into her vagina, holding her legs in the air, ejaculating quickly after his assault, and then darting down the hall to the restroom because he claimed to be embarrassed.

45. He left her in his office to get dressed and go back to work.

46. About a month later, the same thing happened, in the same place, in the same manner, again: Sutherland sexually assaulted Doe.

47. It repeatedly sexually assaulted Doe until she finally put her foot down and lashed out at him in mid-January 2018.

48. At that time, Sutherland finally left her alone.

49. Soon thereafter, Doe was terminated from her job. she was terminated within weeks of putting an end to the assault and has been struggling since.

50. The reason for her being fired was based upon lies and policies directed at her and her alone since there is no support to show that a single person other than Doe has been fired for asking for legal advice.

51. After she was terminated, she has been relegated to menial jobs paying just at minimum wage, despite being a rising star and a dedicated Burleson County employee

for nearly 4 years.

52. Since that time, she has been in a financial and emotional tailspin manifested by debilitating depression, mental anguish, and emotional distress.

53. She has experienced fear, panic, anxiety, and the significant emotional pain that accompanies life-altering memories and nightmares.

54. From the time Jane Doe left the Funky Junky, she has suffered emotionally. She has been stressed. She has felt trapped.

55. Sutherland eventually resigned from his judicial position due to the overwhelming evidence and clear violation.

56. Despite his resignation, Doe lost her dignity, her career, her financial stability, and her home that she saved the earnest money to purchase as a direct result of Sutherland's unwanted sexual advances as well as his continuous sexual assault.

57. Doe was a young mom and wife at the time Sutherland first assaulted her in Funky Junky.

58. As of the date of this letter, she is 28-years-old.

59. According to Life Expectancy tables, Jane Doe will live another 57 years. For well over a ½ century, Doe will suffer and endure life-altering mental anguish and emotional distress.

60. It is said with little doubt that Doe faces a lifetime of emotional pain and suffering and psychological trauma.

61. Her sexual health will always be at risk which will affect her for the rest of her life.

62. Since the sexual misconduct, she has been left to deal with an emotional roller coaster, from embarrassment to pure terror.

63. She has felt powerless, victimized, and degraded.

64. Sutherland breached his judicial duty in many respects. First, he failed to follow the law regarding sexual contact with employees.

65. Even assuming if the sexual contact in this case was consensual, which it was not, sexual contact is still prohibited, as he was the county judge and her superior.

66. Sutherland undermined public confidence in the judiciary because he used his position and influence to continually sexually assault Doe sexually and mentally.

67. Sutherland used his position to exert authority and power over Doe so that she would succumb to his carnal demands.

III. PARTIES

68. Funky Junky, 106 N Main St, Caldwell, TX 77836

69. Michael Sutherland, 500 W Buck Street, Caldwell, Texas 77836-1710

70. This Court has jurisdiction over Plaintiff's state and federal claims, under 28 U.S.C. § 1331 and 2201, 42 U.S.C § 1983 and 1988, and the Fourth, and

Fourteenth Amendments to the United States Constitution, and supplemental jurisdiction under 28 U.S.C. § 1367(a), to hear Plaintiffs' state law claims.

71. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the incidents at issue took place in Burleson County, Texas, and Washington County within the United States Southern District of Texas.

IV. Claims For Relief

Claim 1: 42 U.S.C. § 1983

72. The Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section.

73. This suit is brought pursuant to 42 U.S.C. § 1983, which is entitled the Civil Rights Act. The critical language of the Civil Rights Act sets forth, in part:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." Fourteenth and Fourth Amendments: Due Process, Unlawful Search, Seizure, and Detention.

74. Burleson County Judge Sutherland was the owner of the Funky Junky when he used the facility to engage in the corecon, sexual harassment and illegal seizure of Jane

A.W. Doe, without proper reason or authority, with deliberate indifference to the rights of Jane A.W. Doe.

Claim 2-Intentional Infliction of Emotional Distress and Sexual Harassment Claims

75. The Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section.
76. Mike Sutherland actions of sexually harassing Jane AW Doe resulted in the intentional infliction of emotional distress suffered by Jane AW Doe.

V. Damages

77. The Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section. Plaintiff experienced, and in all likelihood will experience, at least great pain and suffering in the past and in the future, great mental anguish in the past and future, loss of enjoyment of life, loss of consortium. Plaintiff seeks exemplary damages. Plaintiff also brings claims for violations of Jane AW Doe's Fourth, and Fourteenth Amendment rights.

78. Jane AW Doe suffers great mental anguish and pain.

79. Find that Plaintiff is the prevailing party in this suit at bar and award attorneys' fees under 42 U.S.C. § 1988, expert fees, and court costs pursuant to state and federal law.

80. The Plaintiff respectfully requests this Court to:

- a. Find that the Defendant is the non-prevailing party.

- b. Award actual damages to the Plaintiff for the violations of Jane AW Doe's Constitutional rights.
- c. Award prejudgment and post-judgment interest.
- d. Award pain and suffering damages to the Plaintiff
- e. Award Mental Anguish damages to the Plaintiff
- f. Award emotional distress damages to the Plaintiff
- g. Award exemplary damages to the Plaintiff.
- h. All individuals sued are liable for punitive damages as he were deliberately indifferent to Jane AW Does's constitutional rights
 - i. These acts being extreme and outrageous and shocking to the conscious.

VI. Attorneys' Fees

After prevailing herein, the Plaintiff is entitled to recover reasonable and necessary attorneys' fees and costs to enforce his Constitutional rights under 42 U.S.C. §§ 1983 and 1988 from the Defendant, as the prevailing parties.

VII. Prayer for Relief

For the reasons set forth herein, Plaintiff respectfully request that the Defendants Funky Junkie and Mike Sutherland be cited to appear and answer herein, and that the Plaintiff have a final judgment against the Defendant for actual damages above the jurisdictional minimum of the Court, compensatory damages above the jurisdictional minimum of the Court, nominal damages above the jurisdictional minimum of the Court, mental anguish,

exemplary damages as allowed by law, pre-judgment and post-judgment interest, costs of court, attorneys' fees and expenses, and all other relief to which the Plaintiff is justly entitled, at law or in equity. Plaintiff reserves the right to supplement and amend her original complaint.

Respectfully submitted,

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